

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KESHAHA LLC,
Plaintiff,

v.

CHALEDEEANKKA GOYENS, et al.,
Defendants.

Case No. [25-cv-01462-WHO](#)

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS
AND DISMISSING CASE FOR LACK
OF JURISDICTION**

Re: Dkt. No. 3

Plaintiff Keshava LLC instituted an unlawful detainer action in California state court against the defendant, Chaledeeannka Goyens. *See* Notice of Removal (“Notice”) [Dkt. No. 1]. Goyens removed the case to this court on February 12, 2025, and moved for leave to proceed in forma pauperis. *See* Dkt. No. 3. The motion to proceed in forma pauperis is GRANTED. It is apparent, however, that I lack subject matter jurisdiction over the suit.

A defendant may generally remove a case from state court to federal court; but, as with all cases, the federal court must have subject matter jurisdiction over it. *See* 28 U.S.C. § 1442(a)–(c). The burden is on the removing defendant to establish the basis for subject matter jurisdiction. *Nishimoto v. Federman-Bachrach & Assocs.*, 903 F.2d 709, 712 n.3 (9th Cir. 1990). I have a duty to ascertain whether I have jurisdiction and must remand a case sua sponte if I do not. *See* 28 U.S.C. § 1447(c); *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992).

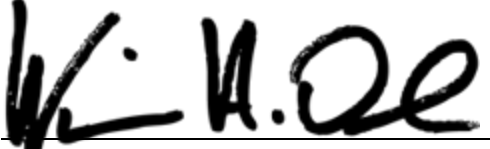
Goyen’s notice of removal fails to identify any basis for federal jurisdiction. First, I lack diversity jurisdiction under 28 U.S.C. § 1332. From the face of the notice of removal and state-court complaint seeking removal from a residence in Oakland by a company that is based in California, it is clear that the parties are both California residents. The other potential basis of jurisdiction is federal question jurisdiction under 28 U.S.C. § 1331. I lack federal question jurisdiction because the complaint alleges only a state-law unlawful detainer action. *See* Notice.

1 It is well-established that state-law unlawful detainer claims do not “arise under” federal law. *See,*
2 *e.g., Fed. Nat’l Mortg. Ass’n v. Lopez*, No. C 11-00451 WHA, 2011 WL 1465678, at *1 (N.D.
3 Cal. Apr. 15, 2011).

4 Because there is no federal jurisdiction over the unlawful detainer Complaint, this case
5 must be DISMISSED and REMANDED back to the Alameda County Superior Court. The Clerk
6 shall close the file.

7 **IT IS SO ORDERED.**

8 Dated: February 20, 2025

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11 William H. Orrick
12 United States District Judge
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United States District Court
Northern District of California